

**FRANK IS CALM
AS**

**DATE FOR
EXECUTION**

**IS SET FOR
JUNE 22**

Alleged Slayer of Mary
Pha-

gan Hears Death
Sentence

Imposed Fourth Time
—Re-

Iterates Denial of
Guilt.

ONLY HOPE NOW LIES
IN PLEA FOR
PARDON

State Prison Board and the Governor To Pass on Petition to Commute Sentence to Life Imprisonment

Leo M. Frank Monday morning at 11:35 o'Clock received from Judge Ben H. Hill, of Fulton Superior Court, his Fourth Sentence to be hanged for the murder of Mary Phagan.

Tuesday, June 22, was fixed by Judge Hill as the Date for the Execution of Sentence. Friday has been the Day of the week in each of Frank's previous Sentences.

Mrs. Frank, the condemned man's wife, was at his side in the Court Room when Sentence was passed. It was the first time she had attempted an Ordeal. She bore it until Frank started out of the Court Room. Then she broke down and cried.

People began entering Judge Hill's Court Room at 8:30 o'clock Monday morning. By 9 o'Clock the Court Room was full and the Doors were closed. From 9 o'Clock until 11:30, the hour announced for the passing of Sentence, the Court tried routine Cases. At 11:30 o'Clock, Solicitor Dorsey called another Case. But the crowd refused to be deceived by the ruse and stayed in their seats.

At 11:33 o'Clock, the Prisoner's Door, to the right of the Judge's Stand, swung open, and Frank entered the Court Room in Company with Sheriff Mangum and Attorney Luther Rosser, Herbert Haas and Harry Alexander. Frank walked with a firm step to a chair by a table in front of the Judge's stand and took his seat.

WIFE IS SMILING.

At the same instant that Frank entered the Court Room, his wife, accompanied by a friend, entered through a Door in the opposite end of the Court Room. She walked with her friend down the aisle in plain sight of the Crowd, passed the Gate of the Lawyer's Railing, and sat down beside her husband, smiling into his eyes.

Judge Hill ordered the condemned to stand up and say why Sentence of Death should not be passed upon him.

Frank's face was noticeably pale as he rose. His right hand rested on the table. With his left, he made an occasional slight gesture as he talked. He seemed thinner than before.

His statement was as follows:

Again, I stand before you. Again, I can but reiterate that I am innocent of the murder of Mary Phagan. I have absolutely no guilty knowledge of that tragic occurrence.

I am innocent of this charge, and I assert that the Record of the evidence proves this. No Appellate tribunal has ever passed upon this evidence. The only Judge who has ever heard it stated that he had the most serious doubts as to my guilt!

My execution will not avenge Mary Phagan's death. A life will have been taken for a life; but the real Culprit will not have paid the penalty. I will suffer for another's Crime.

My trust is in God, who knows that my protestations of innocence are the truth. At some future Date, the whole mortal world will realize it. It is the knowledge that God knows it now, and that the world will know it some day, that inspires me as I stand before your honor, and as I face the future!

JUDGE HILL'S ORDER.

Finishing his Statement, Frank remained standing, and Judge Hill read the Order sentencing him to be hanged on June 22. The Order as read follows:

State of Georgia vs. Leo M. Frank.

No. 9410. Indictment for murder. In the Superior Court Fulton County, Ga. Conviction and Sentence.

Upon Inquiry into the Facts and circumstances of this Case, it appearing that the Defendant, Leo M. Frank, was on the 25th Day of August, 1913, convicted of murder, and thereafter on 26th Day of August, 1913, was duly sentenced by an Order of this Court to the Punishment of Death;

And it further appearing that said Sentence has not been executed, having been superseded and stayed by motion for a new trial, and an Appeal thereon to the Supreme Court of

Georgia, which said Court affirmed the verdict and Judgment of this Court; and an Appropriate Order having been passed on the 3d day of March, 1914, making said Judgment of affirmance by the Supreme Court, the Judgment of this Court;

And it further appearing that the Date of the Execution of said Sentence having again been fixed by Proper Order of this Court, passed on March 7, 1914, which was again superseded and stayed by an Extraordinary Motion for new trial and an Appeal thereon to the Supreme Court of the State of Georgia; which said Supreme Court again affirmed the verdict and Judgment of this Court, and an appropriate Order having been passed on the 27th Day of October, 1914, making said Judgment of affirmance by the Supreme Court the Judgment of this Court;

And it appearing that said Sentence was further superseded by a motion to set aside the verdict in said Case, and an Appeal thereon to the Supreme Court of the State of Georgia, which said Supreme Court again affirmed the verdict and Judgment of this Court, and an appropriate Order having been passed on the 9th Day of December, 1914, making said Judgment of affirmance of the Supreme Court the Judgment of this Court;

And it further appearing that the Date of the Execution of said Sentence having again been fixed by proper Order of this Court passed on December 9, 1914, which was again suspended by an Application for the Writ of Habeas Corpus in the District Court of the United

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States for the Northern District of Georgia, and an Appeal thereon to the Supreme Court of the United States, which said Supreme Court affirmed the Judgment of said District Court denying to said Leo M. Frank the Writ of Habeas Corpus, and an appropriate Order having been passed on the 8th Day of May, 1915, by Hon. William T. Newman, Judge of the District Court of the United States for the Northern District of Georgia, making said Judgment of affirmance by the Supreme Court of the United States the Judgment of the above named District Court, a certified Copy of which said latter Order is of file with the Clerk of this Court:

And it further appearing that the Sentence heretofore imposed on the said Leo M. Frank still stands in full force and effect and that no legal reason exists against the Execution of said Sentence, it is here and now ordered and adjudged that the

Sheriff of Fulton County be, and he is, hereby commanded to do execution of such Sentence aforesaid on the 22d Day of June, 1915, in the manner and form designated in said Sentence, and prescribed by Law.

Let the Petition and Writ of Habeas Corpus and this Order be entered on the minutes of this Court, this 10th Day of May, 1915.

BEN H. HILL,

Judge Superior Court, Fulton County,
Georgia.

HUGH M. DORSEY,
Solicitor General.

FRANK GAZES ON JUDGE.

During the reading of the Order, Frank gazed steadfastly at the Judge. Mrs. Frank, apparently at the Judge. Mrs. Frank, apparently striving to control her emotions, closed her eyes, placed a handkerchief over them, and her teeth pressed into her quivering lips.

Frank rose when Judge Hill concluded, and walked out of the Prisoners' Door through which he entered, accompanied by Sheriff Mangum and Attorneys Rosser and Alexander.

Attorney Haas remained behind with Mr. Frank. She watched her husband through the Door. Then she gave way and sobbed while tears rolled down her cheeks. Attorney Haas and her friend took her, one on each arm, and led her through the Prisoners' Door.

Judge Hill took a Recess for fifteen minutes. The crowd, filed slowly, out. The whole Procedure had lasted scarcely more than ten minutes. The crowd had preserved the strictest good Order.

At the Door of the Jail, Frank was met by his mother, Mrs. Rhea Frank. He was calm and self-possessed, smoking a cigarette. He gave his mother a brave smile. She put her arms around his neck and kissed him. Then they passed through the iron-barred Gate of the Jail and were lost to public view.

The Resentencing of Frank on Monday marks the final Chapter in his Court Fight for life. There is no further Appeal to the Courts which he can make. He has appealed to the Supreme Court of Georgia, and the Supreme Court of the United States, and both these Courts have declined to interfere with the Execution of the trial Jury's verdict. Frank's sole remaining hope of escaping the gallows now lies with the State Prison Board and the Governor. Already his Attorneys have filed with the Prison Board an Application for a Commutation of his Sentence to life imprisonment.

WILL REACH SLATON.

With the fixing of June 22 as the Date for the Execution of Frank's Sentence, it became certain that Governor Slaton would be called upon to pass upon one phase of the Case.

Governor Slaton does not go out of Office until Saturday, June 26, four days after the Date fixed by Judge Hill for Frank's Execution. Therefore, he must either pass upon Frank's Application for a Commutation to life imprisonment or grant him a reprieve.

Should the Prison Commission delay action on Frank's petition for Commutation until after June 22, Governor Slaton will, without doubt, be asked to respite the condemned man for a

sufficient period to allow the Prison Commission and Governor Elect Nat E. Harris to consider the Petition.

On the other hand, should the Prison Commission go ahead and dispose of the petition for Executive Clemency before June 22, the Petition will then be up to Governor Slaton.

Even though the Prison Commission does not call an Extra Session to consider Frank's Petition it will, in the ordinary course of Affairs, come before that body for consideration at its June term, which begins on Monday, June 7. Therefore, it appears quite likely that the question of whether Frank is to be hanged or his Sentence commuted to life imprisonment will be decided by Governor Slaton.

Frank gave out the following Statement commenting upon his Resentence:

Anything else I might say, at this time, would be but an elaboration of my words to the Court. Yet, I am fully alive to the Fact that my position is most precarious. It is a situation which is so far removed from anything that my life and mental attitude could have bespoken. It is hideous, but at the same time, so unreal, so incongruous.

It is fundamental in human life to want to live. This desire to exist is ingrained in all of us—it is the basic morality of all that live. To those who have the proper ideals of living, life without honor is insufferable. This is the message of theology and ethics. In the light of the whole truth, I know—and the Almighty knows—that the morality of my position in this Case is unassailable. This being so, my complete Exoneration of this terrible charge lies in the future. When that day arrives, I will be vindicated—and if I am alive, I will be enabled to enjoy freedom and honor.

Therefore, I want to live. The full truth and all of the Facts of the Case, when they come to light, as some day they will, will prove to the world that my assertion of innocence is the truth!

The legal arena is closed to me. The bar is placed forever against further Legal Process. Yet the issue of guilt or innocence has been before but one Court, that in which the Jury sat. All subsequent Appeals were made upon alleged legal and Juridic Errors; not upon the Facts or the evidence. Since the Jury heard the Case, no Court of Inquiry or Review has sifted the evidence. No Decision of any Appeals Court undertook to predicate an Opinion on the Record of the testimony and evidence. The doubt of the trial Judge as to my guilt still remains.
